



HB 0453

2003

1 A bill to be entitled
 2 An act relating to public records; amending s. 119.07,
 3 F.S.; providing an exemption from public records
 4 requirements for a photograph, videotape, digital image,
 5 electronic image, recorded image, or other visual image of
 6 any part of the body of a victim of a sexual offense;
 7 providing for future legislative review and repeal;
 8 providing a statement of public necessity; providing an
 9 effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Paragraph (gg) is added to subsection (3) of
 14 section 119.07, Florida Statutes, to read:

15 119.07 Inspection, examination, and duplication of
 16 records; exemptions.--

17 (3)

18 (gg) Any photograph, videotape, digital image, electronic
 19 image, recorded image, or other visual image of any part of the
 20 body of a victim of a sexual offense prohibited under chapter
 21 794, chapter 800, or chapter 827 is confidential and exempt from
 22 subsection (1) and s. 24(a), Art. I of the State Constitution,
 23 regardless of whether the photograph, videotape, digital image,
 24 electronic image, recorded image, or other visual image
 25 constitutes criminal intelligence information, criminal
 26 investigative information, or any other record or evidence in
 27 the custody or possession of a law enforcement agency, state
 28 attorney, emergency medical service agency, or medical facility.
 29 This paragraph is subject to the Open Government Sunset Review
 30 Act of 1995, in accordance with s. 119.15, and shall stand



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31 repealed on October 2, 2008, unless reviewed and saved from
32 repeal through reenactment by the Legislature.

33 Section 2. The Legislature finds that it is a public
34 necessity that photographs, videotapes, digital images,
35 electronic images, recorded images, and other visual images of
36 any part of the body of a victim of a sexual offense prohibited
37 under chapter 794, chapter 800, or chapter 827 be made
38 confidential and exempt from the requirements of section
39 119.07(1), Florida Statutes, and Section 24(a) of Article I of
40 the State Constitution. The Legislature finds that such
41 photographs or images often depict the victim in a graphic and
42 disturbing fashion, and that such photographs or images, if
43 viewed, copied, or publicized, could result in trauma,
44 humiliation, or emotional injury to the victim and the family of
45 the victim. Accordingly, the Legislature finds that the harm to
46 the public which would result from the release of such
47 photographs, videotapes, digital images, electronic images,
48 recorded images, or other visual images substantially outweighs
49 any minimal public benefit derived therefrom.

50 Section 3. This act shall take effect upon becoming a law.